

MEMORANDUM OF LAW

DATE: December 17, 1991
TO: Ed Spicer, Deputy Director, Building Inspection Department
FROM: City Attorney
SUBJECT: Microfilming of Specifications

By memorandum dated November 5, 1991, you indicated you proposed to revise the policy regarding microfilming of plans and specifications submitted for building permits. Under current procedures, applicants submit plans, specifications and other documents for approval for a building permit. As part of your records, you eventually microfilm all materials submitted. You now propose to microfilm only the plans, but not the specifications; you would, however, require legends on the plans relative to fire and life safety standards. Normally, these standards are contained within the specifications along with other technical details not necessarily germane to the construction of a permitted structure.

We view your proposed policy change not to be prohibited by existing law and that you may therefore implement it, although amendment to the Uniform Building Code adopted by San Diego would also be recommended as part of this process.

Health and Safety Code Section 19850 requires that a public agency maintain an official copy of the "plans" of certain structures for which a permit is issued for the life of the building. There is no definition for "plans" in that section; however, Health and Safety Code Section 19851(c)(3) draws a distinction between "plans" and "specifications, reports or documents" required to be signed by a licensed architect. Since section 19850 only requires plans to be retained and section 19851 addresses authentication regarding plans as well as specifications, we conclude that this distinction would require only the plans to be maintained on a permanent basis. Therefore, retention of other documents on a permanent basis is optional with the department.

Section 303 of the Uniform Building Code (UBC) was adopted by the City by San Diego Municipal Code Section 91.0303. UBC Section 303(b) provides that "one set of approved plans, specifications and computations shall be retained by the Building Official for a period of not less than 90 days from date of completion of the work covered therein . . ." (Section 91.0303(b).) No maximum period of retention is specified as to either the plans or the specifications. Hence, Health and Safety Code Section 19850 would require only the plans to be kept indefinitely, and there would be no conflict or inconsistency should you decide not to microfilm specifications for the permanent files.

However, since you may be requiring a new type of information to be added to the plans relating to fire and life safety standards, we would recommend that the City version of UBC Section 303 be amended to establish the requirements relative to the specification legend you would require on the plans under Section 302 of the UBC. In addition, amendment of Section 303 should address the plan retention aspects and not require documents other than the plans to be microfilmed except on an optional basis.

A related aspect of this policy implementation would also be a review of the document retention schedules on file with the office of the City Clerk regarding retention of official plan or other document copies to conform to the proposed policy.

JOHN W. WITT, City Attorney

By

Rudolf Hradecky

Deputy City Attorney

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